



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,384	06/19/2001	Frank L. Politano	107833	1064

28070 7590 10/20/2005

OLIFF & BERRIDGE  
P.O. BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER

HARBECK, TIMOTHY M

ART UNIT PAPER NUMBER

3628

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/883,384

Applicant(s)

POLITANO, FRANK L.

Examiner

Timothy M. Harbeck

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rowe (US 2002/0198803 A1).

**Re Claim 1:** Rowe discloses a method and apparatus for facilitating monetary and commercial transactions and for providing consumer reward programs comprising

- Depositing value as principal corresponding to a consumed item and;
- Accruing earned value based on the principal and a rate (Page 1; paragraphs 0010-0013; specifically note the American Express Platinum Cash Rebate Cards which gives 2% cash back on purchases)

**Re Claim 2:** Rowe further discloses the steps comprising

- Maintaining an account for a consumer that consumed the consumed item (paragraphs 0023-0027)
- Permitting withdrawal of the earned value based on terms of an agreement for the account (paragraphs 0028-0029)

**Re Claim 3:** Rowe further discloses the steps comprising

- Updating the principal based on one or more deposits of consumed items (Paragraph 0148) and;
- Generating a balance of accrued earned value on a schedule based on the agreement (paragraph 0148)

**Re Claim 4:** Rowe discloses the claimed method supra and further discloses the step wherein the account comprises one or more of a savings consumable account, a certificate of deposit and a mutual consumable fund (Paragraphs 0046-0051).

**Re Claim 5:** Rowe discloses the claimed method supra and further discloses the steps wherein updating the principal comprising one or more of incrementing the principal if a deposit is positive (paragraphs 0142-0148) or decrementing the principal if the deposit is negative (paragraph 0159)

**Re Claim 6:** Rowe further discloses the steps comprising receiving information from one or more suppliers and updating consumer accounts based on the received information (paragraph 0137)

**Re Claim 7:** Rower discloses the claimed method supra and further discloses the steps wherein the information comprising one or more of:

- One or more new rates to replace rates for one or more consumer accounts
- One or more new consumer accounts

- One or more new maturation dates to replace current maturation dates and;
- One or more principals updates to increment or decrement current principals and;
- One or more earned values to increment or decrement current earned values (paragraphs 0137 and paragraph 0159).

**Re Claim 8:** Rowe discloses the claimed method supra and further discloses the steps comprising receiving information from one or more consumers and changing information of one or more accounts based on the received information (paragraph 0163-0164).

**Re Claim 9:** Rowe discloses the claimed method supra and further discloses the steps comprising on or more of

- Transferring principal from a consumer account to another consumer account
- Withdrawing earned value from a consumer account and;
- Changing parameters of a consumer account (Paragraph 0163-0164)

**Re Claim 10:** Rowe further discloses the steps wherein the principal comprising one or a combination of two or more of:

- Value corresponding to consumed items
- A number of times purchases were made
- A number of times a supplier was visited

- A value for consumed items based on a table of values corresponding to items and;
- A value corresponding to an amount spent during a period of time (paragraphs 0010-0013)

**Re Claims 11-20:** Further system claims would have been obvious to perform previously rejected method claims 1-10 respectively and are therefore rejected using the same art and rationale (Also see fig 2A for system layout).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/883,384  
Art Unit: 3628

Page 6

\*\*\*



HYUNG SOUH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600